



Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
365 • 215 • 250 C
F A X • 215 • 206 E
www.knoxmpc.org

Minutes

August 9, 2012

1:30 P.M. ◊ Main Assembly Room ◊ City County Building

The Metropolitan Planning Commission met in regular session on August 9, 2012 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair		Mr. Michael Kane
Mr. Bart Carey, Vice Chair	A	Mr. Nate Kelly
Ms. Laura Cole		Mr. Robert Lobetti
Mr. Art Clancy		Mr. Brian Pierce
Mr. George Ewart		Mr. Jeff Roth
* Mr. Stan Johnson		Mr. Jack Sharp
		Mr. Wes Stowers

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* 2. APPROVAL OF AUGUST 9, 2012 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

* 3. APPROVAL OF JULY 12, 2012 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

4. REQUEST FOR POSTPONEMENTS, WITHDRAWALS, TABLINGS AND CONSENT ITEMS.

Automatic Postponements read

POSTPONEMENTS TO BE VOTED ON READ

COMMISSIONER BRIAN PIERCE RECUSED FROM VOTING ON THE POSTPONEMENTS.

Arthur Seymour Jr., Item No. 30, Kingston Pike LLC, asked to postpone to September meeting. They have met with Ms. Graybeal and others and there is still work to be done.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO POSTPONE ITEMS 30 AND 31 AS READ. MOTION CARRIED

10-0-1. POSTPONED UNTIL THE SEPTEMBER 13, 2012 MPC MEETING.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO WITHDRAW ITEM 20 AS READ. MOTION CARRIED 11-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

- | | | |
|----------|--|-------------------|
| | <u>METROPOLITAN PLANNING COMMISSION</u> | 8-A-08-OA |
| | Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1. | |
| | <u>WILSON RITCHIE</u> | 3-F-10-SC |
| | Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4. | |
| | <u>METROPOLITAN PLANNING COMMISSION</u> | 6-A-10-SAP |
| | Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1. | |
| | <u>METROPOLITAN PLANNING COMMISSION</u> | 7-C-10-SP |
| | Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1. | |
| U | <u>GERDAU</u> | 12-A-11-SC |
| | Request closure of Stonewall St between Ely Avenue and northwest property line of parcel 081PK035, Council District 5. | |
| U | <u>GERDAU</u> | 12-B-11-SC |
| | Request closure of Ely Ave between Stonewall Street and northeast property line of parcel 081PK035, Council District 5. | |
| U | <u>GERDAU AMERISTEEL PROPERTY</u> | 2-SA-12-C |
| | Northwest side of Ely Ave., southwest of Bragg St., Council District 5. | |
| | <u>WILLOW FORK - GRAHAM CORPORATION</u> | |
| | a. Concept Subdivision Plan | 11-SJ-08-C |
| | Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7. | |
| | b. Use on Review | 11-H-08-UR |

Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

a. Concept Subdivision Plan 4-SC-09-C
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.

b. Use On Review 4-D-09-UR
Proposed use: Detached dwellings in PR (Planned Residential) District.

TIPPIT VILLAGE - SITES TO SEE, INC.

a. Concept Subdivision Plan 9-SA-10-C
Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6.

b. Use On Review 9-E-10-UR
Proposed use: Detached dwellings in PR (Planned Residential) District.

LONGMIRE SUBDIVISION

West side of Tazewell Pk., north of E. Emory Rd., Commission District 8. 1-SA-11-C

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F
Intersection of I-40 and McMillan Rd., Commission District 8.

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District. 8-O-08-RZ

JAMES L. MCCLAIN

Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.

a. Northwest County Sector Plan Amendment 9-A-09-SP
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

b. Rezoning 9-A-09-RZ
From A (Agricultural) to CB (Business and Manufacturing).

CITY OF KNOXVILLE

South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential). 7-D-10-RZ

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO UNTABLE 3 ITEMS FOR GERDUA AS READ. MOTION CARRIED 11-0. UNTABLED.

CONSENT ITEMS

Items recommended for approval on consent are marked (). They will be considered under one motion to approve.*

Arthur Seymour Jr. Item 28. Would like to ask that it be removed from consent to discuss.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT ITEM NO. 28. MOTION CARRIED 11-0.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEM NO. 28. MOTION CARRIED 11-0. APPROVED.

Ordinance Amendments:

- * **5. KNOX COUNTY CODE ADMINISTRATION** **8-A-12-OA**
 Amendments to the Knox County Zoning Ordinance proposing editing, clarification, corrections and other minor changes to the regulations consistent with Article 6, Section 6.30.04 of the Knox County Zoning Ordinance.

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **6. METROPOLITAN PLANNING COMMISSION** **8-B-12 OA**
 Amendments to the Knoxville Zoning Ordinance, Article IV, Section 4.5.1, H-1 Historic Overlay District, to conform to State law regarding the membership composition of the Knoxville Historic Zoning Commission.

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **7. KNOX COUNTY COMMISSION** **8-C-12-OA**
 Amendments to the Knox County Zoning Ordinance, Article 5, Section 5.80, HZ Historic Overlay Zone, to conform to State law regarding the

composition of and appointment of members to the Knox County Historic Zoning Commission.

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

- * **8. ALLEN BUTLER** **8-A-12-AC**
Request closure of unnamed alley between northwest corner of parcel 069MA016 and east property line of 069MA015, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **9. R2R STUDIO. LLC** **8-A-12-SC**
Request closure of Cumberland Ave between northwest side of parcel 108CK005 and northeast side of parcel 108CK005, Council District 1.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **10. SMOKY MOUNTAIN LAND SURVEYING** **8-B-12-SC**
Request closure of Masterson Rd between Topside Road and common property line between parcels 147-030 and 147-031, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- P 11. METROPOLITAN PLANNING COMMISSION** **8-A-12-SP**
South County Sector Plan Update. Commission Districts 8 & 9. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Concepts/Uses on Review):

None

Final Subdivisions:

- * **12. JOHN REYNOLDS PROPERTY** **8-SA-12-F**
East side of Amherst Road, north of Piney Grove Church Road, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. CUMBERLAND TRUST COMPANY RESUBDIVISION** **8-SB-12-F**
North side of Kingston Pike, west of Oakhurst Drive, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **14. VILLAGE AT BEARDEN PHASE II** **8-SC-12-F**
South side of Bearden View Lane, west of Francis Road, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. PIONEER NURSERY, INC. PROPERTY** **8-SD-12-F**
Southeast side of Westland Drive at the east side of Ebenezer Road, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. HICKORY HILLS** **8-SE-12-F**
Southeast side of Hickory hills Drive, northeast of Willmann, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **17. ALEXANDER ADDITION RESUBDIVISION OF LOTS 9-10** **8-SF-12-F**
East side of Branch Lane, north of N. Ruggles Ferry Road, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 18. WESTLAND MANOR RESUBDIVISION OF LOTS 3 & 4 8-SG-12-F**
West side of Gothic Manor Way, southeast of Westland Drive, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 19. MADDEN & ROEX ADDITION RESUB. OF LOTS 31R & 38-41 8-SH-12-F**
North side of Middlebrook Pike, south side of Webster Avenue, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- W 20. NORTHSHORE MARKET INVESTORS, LLC 7-D-12-RZ**
Northeast side Clingmans Dome Dr., northwest side Chimney Top Ln., Council District 2. Rezoning from OS-2 (Park and Open Space) to TC-1 (Town Center).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * 21. JOHN GADDIS - MCCARTY, HOLSAPLE, MCCARTY 8-A-12-RZ**
Northeast side State St., southeast side Union Ave., Council District 6. Rezoning from C-3 (General Commercial) / D-1 (Downtown Design Overlay) to C-2 (Central Business District) / D-1 (Downtown Design Overlay).

STAFF RECOMMENDATION: Approve C-2 (Central Business) / D-1 (Downtown Design Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 22. REBECCA V. FERGUSON 8-B-12-RZ**
South side Woodson Dr., south of Hilltop Rd., Commission District 9. Rezoning from RA (Low Density Residential) to A (Agricultural).

STAFF RECOMMENDATION: DENY A (Agricultural) zoning

Buz Johnson: As we discussed at agenda review this is a request to rezone property from RA to agricultural on the south side of Woodson Drive. This is in the south Knox County area. For a little bit more orientation a little bit to the west is Alcoa Highway. This is an example of other cases that you have reviewed off and on in the past where folks are rezoning their property from RA or RB zone or from a zone that permits intense development down to agricultural zoning. We have found in the past primarily they are to keep a small number of farm animals or just to keep pets.

If you look at the map one of the more recent cases that we have had is shown on the map down almost in the lower left hand corner where you see A with a K in parenthesis. We had this back in 2001. The objective of that rezoning was to allow that particular property owner to keep a small number of pets on site. This is even though it is in the county it in the area that is designated on the Growth Policy Plan for urban growth area outside the city limits. It does identify the fact I think pretty clearly that this is an area that has it's hard to describe it as rural. It is more suburban where you have a lot of low density single family development. The RA zone and the RP-1 zone to the west are indicative of this kind of development pattern. It is also shown on the sector plan for low density residential development. The one concern that we have that we always try to address and make sure we are aware of is, when you do rezone property back to agricultural you need to be very clear about the setting in which it is located. If it were in area where you still had a lot of agricultural zoning and you have the potential to have the same kind of development, the concern would not be as great. Looking just from the standpoint of the principle of reintroducing agricultural zoning and the potential of doing farming back into what is a suburban residential area, that should be cause for concern because of the impact that the raising of farm animals could have on the viability of the area around it. It is a sizeable tract. It is almost 16 acres. The applicant, I had a nice chat with her the other day, the applicant...I think the daughter wants to keep as many as four horses on site. These are strictly for please; strictly for pets. Somehow or another the word pet doesn't... But the daughter is a horse enthusiast. That is the reason that you know they are looking to try to get this rezoned. The applicant, Mrs. Ferguson, lives on the property. They own some additional property in the area. The property to the west is in the city. It is kind of a little island in the city that has been partially developed under RP-1 zoning at up to 5 dwelling units per acre. So with those reasons the staff has recommended denial based upon the concerns I have mentioned; trying to reintroduce something back into the area that we think on surface and in principle could have an impact on the surrounding area. I think as I gathered from the discussion at agenda review, I think you wanted to possibly have consideration of some conditions if you are inclined to approve the rezoning. That property down to the south that I mentioned earlier did have some conditions in terms of what could be used under that agricultural zoning. That property is I believe is a little over 2.5 acres. That puts some restrictions primarily on the number of animals they can have on the site. If you can find your yellow sheet I did craft some conditions that can be considered if you chose to recommend approval and recommend on to County Commission to approve this rezoning. The first one is "Land uses shall be limited to those uses permitted in the "A" zone that are also uses permitted in the "RA" zone; plus farming, limited to the keeping of no more than four horses. Number two

and three have to do with setback and buffer areas. "Maintain a 50 ft.-wide no disturb buffer area along the western property line abutting the residential lots to the west." I am referring to that RP-1 development to the west. You see those lots there along Brier Rock Lane, those would be the lots that would be impacted by the 50-foot wide no disturb buffer. Then a "100 ft. setback for any barn or related structure from the same property line as identified in condition #2. Staff is again recommending denial, but if you chose to approve the rezoning these are some conditions that we think will lessen the impact, still follow the objective and intent of the property owner and her family and honestly be consistent with other types of rezonings that we have had in the area.

Longmire: Is there opposition?

Rebecca Venable Ferguson, 2212 Woodson Drive. We bought that property from Dr. Robert and Monica Cole in 1977 and built our home in 1980 and we have lived there ever since and plan on being wheeled out in box from there. At that time our daughter will inherit our property. When we purchased the property from the Coles in 77 we learned they had originally owned 29 acres with a horse barn and horse trail throughout the acreage. They sold their house, their horse barn and 8 acres of the 29 to Dr. Frank Boyer in the late 1950's. We purchased the remaining 21 acres but immediately sold that 5 acre strip on the east side right after purchasing. So that leaves us with our existing 15.88 acres. Our younger daughter, Jenny Ferguson Johnson, who is with me today came into this world on horseback I believe. My husband and I have no idea where she got that DNA. We finally realized that there is a wonderful discipline and life lesson that comes with being around horses. We decided to support her love of horses making sure that she understood everything that is involved with horse ownership. We knew then that she would either love it or hate it. We were kind of pulling for the hate part, but she flourished with it. She eventually became the director of the Hunt Seat riding program for several seasons at a horse camp in north Georgia. This is a camp that serves 240 horse crazy little girls every summer. She proved herself there. Then she also went on to become four-year member of the UT equestrian team. She was awarded the senior of the year for the 9-university wide region where they competed. She has proved herself and she is good. She has absolutely no desire for a career or business in horses. She simply wants to be able to have the horse members of her family live with her family. So when she and her husband were looking for property that would bring this to them and they saw the prices we thought well look, you are going to inherit our house anyway so let's build a barn now. We have the financial means to do it and it will be here ready and you could go ahead and start using it with your one horse. It just made sense to do that. She and her husband bought one of the condos in the Woodson

Trail that is adjacent to our property and butts up, there particular condo is directly adjacent to our property. We proceeded. We knew that this was going to be at least for us just homeowners and nothing in the development field, a big project. Because of the history of whole the Nichols horses and horse barn on their property and another home right down the street from us, not Belt Road, but on Woodson Drive has a barn and several horses, we didn't think it was going to be that big an endeavor except it was a big project for us. With our history, we are not transient folks. My husband and I were both born and raised here and went to the University of Tennessee. Jenny and her husband likewise they are planning on staying forever too. When we do something around our place, we do it with forever in mind. We hired Batson Himes Norvell and Poe Engineers, the longest running engineering company in Knoxville. We hired them to help us with our plans. We quickly learned from David Harbin that we needed to be zoned Agriculture in order to proceed. Now I have never done anything like this before, but we didn't anticipate any problems because of the history of the area. Also as she mentioned the fairly recent rezoning on 2200 Belt that allowed three farm animals on 2.8 acres. Therefore because we did not want to be putting the cart before the horse or in this case the barn before the horse we submitted our application to MPC. We also submitted for the record where we have gotten every single adjacent or 200 foot landowner to sign off that they understand what we have attempted to do and here we are.

Clancy: Do you have any horse there now?

Ferguson: We do not. No.

Clancy: Your intention is to keep up to 4, but you are not going to board horses as a business.

Ferguson: Absolutely not. I asked my daughter what is the possible max. There are 4 members in her family. The youngest is 14 weeks. I don't think there will be 4 horses any time soon on this property. She owns one horse but it is boarded in Blount County.

Michael Kane: The applicant made it very eloquent that they are not planning to sell the farm or any time soon. I did have kind of a technical question. What happens if there is a subdivision of the property? How does this 4 horses go in terms of the allocation of that? Do we need to put some kind of 4 horse per 5 acres or 15 acres or something like that?

Longmire: That rather apocalyptic doesn't it.

Kane: I just want to make sure.

Donaldson: We are creating a district of about 16 acres. On that 16 acres you could have 4 horse and we wouldn't care whether they were on a 2 acre lot or a 10 acre lot.

Kane: Technically one could put 4 horses on one acre lot if it were subdivided.

Donaldson: We would keep looking at the larger picture as far as the number of horses.

Buz Johnson: Adding to Mark the conditions relate to the 16.8 acres.

Kane: If they subdivided then those conditions go away?

Clancy: It has to come back before us to be subdivided.

Longmire: So the conditions will go with this property.

Donaldson: If they subdivided in any way other than in conformity with the Ag zoning, they would have to come back before us.

Kane: That is what I am saying. If it were subdivided as agriculture, that is what I am thinking.

Donaldson: But the district would still control that 16 acres to a maximum number of 4 horses.

Kane: Right so they would have to divvy out the four horses to the 16 acres. If somebody had a one lot, 1 acre lot they could have four horses.

Donaldson: They could have the four horses. They are going to be in the barn.

Kane: I am sure that would never happen. It was just a little technicality thing that came up in my mind.

Donaldson: It doesn't say that each lot that is created can have four horses.

Kane: Right and that was my biggest concern.

MOTION (EWART) AND SECOND (ROTH) WERE MADE TO APPROVE AGRICULTURAL ZONING WITH THE THREE CONDITIONS PRESENTED.

Laura Cole: I just wanted to say Mrs. Ferguson, I did go out and I did look at your place. It is a really good place for horses and it would certainly not be difficult to keep four horses on that piece of property. I am also impressed that you are so organized and

you have already talked to all your neighbors and have gone to the trouble of drafting or working with MPC to come up with what would allow you to do what you want to do without infringing upon your neighbors. I just want to commend you on that. You have done a really good job.

Ferguson: Can I respond to that? Our neighbors are wonderful and it was such a great opportunity because I still often don't even talk to our neighbors anymore. Several of them said I will come down and support you. One John Kurr did show up today. Another one had to go to the doctor. It was actually a nice experience.

Longmire: We encourage neighborhoods to come to see the process. I concur.

Carey: Maybe another technicality. I am in full support of what you are trying to do. I think it is a great project. How does... this restriction goes with the land. How is that recorded or just for clarification how does that track forward? It is not going to be recorded at the courthouse is it?

Wise: The map shows an asterisk and it is recorded in the same sense that all zoning are part of the zoning map. It is recorded. It is subject to being accessed by the public.

Longmire: Commissioner Ewart would you repeat your motion.

Ewart: My motion was to approve agricultural zone subject to the three conditions presented to us.

MOTION CARRIED 11-0. APPROVED AS MODIFIED.

- * **23. CITY OF KNOXVILLE **8-C-12-RZ****

Northwest side Luscombe Dr., southwest of Morrell Rd., Council District 2. Rezoning from No Zone to R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **24. CITY OF KNOXVILLE **8-D-12-RZ****

East side Normandy Dr., north of Luscombe Dr., Council District 2. Rezoning from No Zone to R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. CITY OF KNOXVILLE** **8-E-12-RZ**
Northeast side Chapman Hwy., northwest side Deva Dr., Council District 1. Rezoning from No Zone to C-3 (General Commercial) & R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve C-3 (General Commercial) zoning for the entire tract.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. CITY OF KNOXVILLE** **8-F-12-RZ**
South side Clinton Hwy., west of Schaad Rd., Council District 3. Rezoning from No Zone to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: Approve C-4 (Highway and Arterial Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. CITY OF KNOXVILLE** **8-G-12-RZ**
Northeast end Bradley Lake Ln., northeast of Amherst Rd., Council District 3. Rezoning from No Zone to RP-1 (Planned Residential) @ up to 3 du/ac.

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) @ up to 3 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. SAM CONNOR** **8-H-12-RZ**
Southeast side W. Emory Rd., southwest of Central Avenue Pike, Commission District 7. Rezoning from A (Agricultural) and F (Floodway) to PC (Planned Commercial) and F (Floodway).

STAFF RECOMMENDATION: Approve PC (k) (Planned Commercial) and F (Floodway) subject to 2 conditions.

Arthur Seymour Jr. 550 West Main Avenue. Mr. Connor is over here kind of out of site. Stand up Sam. I am here on his behalf. This was on consent and I wanted to deal with condition number one. This is approximately 22 acres on west Emory Road just west of Central Avenue Pike's intersection with Emory Road. As part of the north county sector plan revision which you all had up two months ago this was changed the sector plan was changed to enable commercial zoning. This property backs up to Beaver Creek. Part of the property is designated floodway. The condition number one requires that the vegetation within the Beaver Creek floodplain rather than floodway must be preserved. We would ask that that be changed to the Beaver Creek floodway. If you look at the diagram in your map or in your packet, I think it is the third diagram.

Johnson It has a title on it floodplain.

Seymour: Floodplain, yes. The floodplain under current regulations you can do a certain amount of work in there and a certain amount of work in there; a certain amount of fill and so forth. It would really impede the development of this property if we could not at least handle the vegetation in there consistent with Knox County's rules and so forth. I would request that floodplain be changed to floodway in condition one. We have absolutely no issues with doing anything in the floodway which is the lower of the two lines on the diagram designated floodplain.

Longmire: I would like somebody to explain to me the difference between floodplain and floodway. Just the distance from the water?

Seymour: The floodplain encompasses the 100 year flood boundary. I am giving you a layman's definition.

Longmire: Is there a non-layman that would like to approach that. Yes I am looking over there at engineering.

Seymour: Leo is not here. Maybe Chris will do it for city

Chris Howley, City Engineering: I will try to do that. In general what you will find is the floodway is usually an area... it is a complex thing and the reason I hesitate on answering that questions is because of how they determine what that is. That is something that is determined by FEMA when they are determining what these 100 and 500 year floodplains are. Ultimately the way they calculate it is it's an area usually encompasses the main channel of a creek or river and if you begin filling within the floodplain the point at which the area of the floodway would raise one foot in elevation they have to do a iterative process to determine what that width would be. That is how they calculate the floodway.

Longmire: So it varies according to the property.

Howley: It varies and it is usually the wider the floodplain is the wider the floodway will be. Areas that are flatter you will have wider floodways than you would in areas that have steeper areas on the sides of the channel.

Seymour Our issue is not floodplain. We cannot disturb the floodplain. It is just floodway.

COMMISSIONER STAN JOHNSON ARRIVED TO THE MEETING AT THIS TIME.

**MOTION (CLANCY) WAS MADE TO APPROVE PC
PLANNED COMMERCIAL AND F FLOODWAY ZONING**

SUBJECT TO THE 2 CONDITIONS SUBSTITUTING FLOODWAY FOR FLOODPLAIN.

Donaldson: I would like to counter that if I could. Recently we have been attaching what has become a fairly standard condition that no vegetation be removed from a site until there is a development plan approved. Since we are dealing with a planned commercial district we are going to see that development plan. Perhaps in lieu of this particular condition a condition that no vegetation within the floodplain be removed until we see the development plan. That would be acceptable.

Clancy: No vegetation within the floodway?

Donaldson: Floodplains.

Clancy: That is what is says already.

Donaldson: Just add until a development plan is approved.

Seymour: That would be satisfactory because this is a planned zone, planned commercial. We would do not land disturbance until we have a development plan approved. That is fine.

CLANCY AMENDED MOTION TO APPROVED PC PLANNED COMMERCIAL AND F FLOODWAY ZONING SUBJECT TO 2 CONDITIONS CHANGING CONDITION NUMBER ONE TO ALL VEGETATION WITHIN THE BEAVER CREEK FLOODPLAIN ALONG THE SOUTHEAST SIDE OF THE PROPERTY MUST BE PRESERVED UNTIL SUCH TIME AS WE REVIEW A DEVELOPMENT PLAN. SECOND (EWART). MOTION CARRIED 12-0. APPROVED AS MODIFIED.

- * 29. **CITIZENS NATIONAL BANK** **8-I-12-RZ**

North side Parkside Dr., east of Mabry Hood Rd., Council District 2. Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: Approve C-4 (Highway and Arterial Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 30. **KINGSTON PIKE, LLC** **8-J-12-RZ**

South side Kingston Pike, west of Moss Grove Blvd., Council District 2. Rezoning from PC-1 (Retail and Office Park) / H-1 (Historic Overlay) to PC-1 (Retail and Office Park).

STAFF RECOMMENDATION: DENY the reduction of the H-1 (Historical Overlay) on the subject property.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Uses on Review

- P 31. BEVERLY HOLLAND** **6-C-12-UR**
Southeast side of Holston Dr., northwest side of Speedway Circle. Proposed use: Child Day Care Center for up to 100 children in C-3 (General Commercial) District. Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 32. ZION SENIOR LIVING** **8-A-12-UR**
East side of Zion Ln., northwest of Ball Rd. Proposed use: Assisted Living Facility in PR (Planned Residential) pending District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for an assisted living facility with up to 10 client beds and the operators quarters as shown on the site plan subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 33. THE RESTORATION HOUSE VILLAGE - MR. BILLY FULGHUM** **8-B-12-UR**
North side of Robinson Rd., east of Bakertown Rd. Proposed use: Multi-dwelling development in R-1A (Low Density Residential) and RP-1 (Planned Residential) pending Districts. Council District 3.

STAFF RECOMMENDATION: Approve the development plan for up to 24 attached residential units, subject to 10 conditions.

Billy Fulghum, 10330 Hardin Valley Road. I am the civil engineer representing the restoration house. The plan for the project is, what you are seeing is a master plan that we have presented for 24 units. Probably what would happen first would be 12 units and as donations would come in, as the staff and operations grow then they would expand another 6 units up to the 24 units shown in the packet that you have.

Tom Brechko: The reason that this was not on consent is I had talked to a neighbor who had some concerns about the layout and design. In discussion with the neighbor we had modified or added a couple of conditions on buffering and setback along the rear property line. I guess by the fact that no one is here they are okay with the changes we made. They are reflected in the blue sheets.

George Ewart: Mr. Fulghum are you okay with all the conditions then?

Fulghum: Yes, we met with that property owner, a person from the board of the Restoration House met with them. I also spoke with him on the phone and worked with Tom. Yes, we are okay with all those requirements.

MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

- * **34. CAROL MURRAY 8-C-12-UR**

Southeast side of Seattle Slew Ln., northeast of Secretariat Blvd. Proposed use: Reduction of peripheral setback from 35 feet to 25 feet in PR (Planned Residential) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request to reduce the peripheral boundary setback along the rear of this site from 35 feet to 25 feet as shown on the site plan subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **35. 3G STUDIOS 8-D-12-UR**

West side of Thunderhead Rd., north of S. Northshore Dr. Proposed use: Retail / office development in TC-1 (Town Center) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for up to 10,162 sq. ft. of office/ retail space as shown because the proposed uses are compatible with the general principles of the TC-1 zone and the approved development plan (8-H-05-UR) subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **36. RANDY CALDWELL 8-E-12-UR**

East side of Dannaher Dr., south side of Tate Trotter Rd. Proposed use: Assisted living facility in OB (Office, Medical, and Related Services) & OB (Office, Medical, and Related Services) pending District. Commission District 7.

STAFF RECOMMENDATION: Approve the request for an assisted living facility with up to 73 client rooms that may contain up to a total of 80 beds as shown on the site plan subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **37. RANDOLPH ARCHITECTURE 8-F-12-UR**

East side of Prosperity Dr., east end of Executive Park Dr.
Proposed use: Assisted living facility in O-1 (Office, Medical, and Related Services) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for an assisted living facility with up to 71 client rooms (beds) as shown on the site plan subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

38. U. S. CELLULAR CORPORATION

8-G-12-UR

South side of South Mall Rd., east side of Washington Pike.
Proposed use: 150' Monopole Telecommunications Tower in C-1 (Neighborhood Commercial) & C-6 (General Commercial Park) Districts. Council District 4.

STAFF RECOMMENDATION: Approve the request for a 150' monopole telecommunications tower in the C-1 zoning district, subject to 5 conditions.

Gene Mathis, 5266 Brigg Lane, 37914. I am here representing the Alice Bell Springhill Neighborhood Association as Vice President. We have four reasons why we are opposed to this cell tower at this present time. One is on the very corner where this cell tower is going in is a community garden that has been there for more than 20 years that was built by the community and is maintained by the City. With the added cell tower there and the 6 foot security fence we believe it will be a detrimental impact to the beauty of the gardens that are already there on the corner. Secondly this does not fit with our community. There is only one sign that is higher than 50 foot within our total community and that happens to be the Texas Road House sign. It shouldn't have happened, but it did. It just doesn't fit with our community. Plus 150 feet is more than what was approved within the zoning ordinances within the city. Third there are other sites within our neighborhood that would be just as useful for a cell tower. One idea just in passing is the KUB station, electrical station over on Loves Creek Road. There is already as I was told one cell tower in that area. There would be no reason why you couldn't add another one, especially a monopole like this in that substation area and not be any problems with the site of what you are looking at. Finally we are extremely upset with the fact that the community technically was not notified. I talked with Tom and Marc yesterday. I believe Marc put out the signs. We have had at least 5 or 6 people go look at that property and could not find any signs at all on the property. Apparently they were found yesterday afternoon buried under some tires. We don't know when that occurred. That is a highly visible area for our neighborhood. We pass by there 3 to 4 times a week. Others pass by there more frequently. Someone I do believe would have seen those signs if they were there for any period of

time. There is another added part about that is I was told that people were notified that owned property within 500 feet of this cell tower. As the comment section in this says, the nearest resident is over 800 feet from the proposed tower. Therefore the only people that were notified were commercial owners of property. No one who lives and will have to daily see this cell tower was notified. We find that outrageous. I know it has been presented to MPC before on a number of occasions that there should be at least one person and if there is one person we would recommend is the one personal that is known by the staff and that is Ronnie Collins. Everybody knows Ronnie.. I am sure you can find his address, I did. It is in the phone book. We are upset there was no notification. We didn't find out about it until late Monday night. Therefore we are concerned about that. We are requesting a 30-day postponement at which time US Cellular will come and meet with us and let's discuss this and see if we can come up with an alternative.

Tom Hale on behalf of US Cellular, Suite 250, 800 South Gay Street. I think as this body knows and I know as staff knows US Cellular is very diligent about it application and the materials it submits. These applications on these four were submitted at the first of July as I recall. They met with staff and you heard the report of the consultant for MPC who has recommending approval and has acknowledged the need for these towers. This tower and the other three are part of an overall program to be able to expand the capacity of US Cellular to handle the new 4G technology which if you, I am not a technical person but I do use a smart phone to check email and text. All of those things require substantially more capacity that exists in the current system. With that demand on the need for capacity there is a fairly significant effort underway to position US Cellular to be able to introduce the 4G technology later this year. We met with staff midmonth. We have made changes at staff's request. We have made change based on what Mr. Perry has suggested. For the record we have absolutely no idea about what the signage situation is. We do know there is notification to the public in the newspaper and other types of notification. Frankly with all due respect to the people in the neighbor the reality is that the work that has been done between staff and US Cellular and other folks to get the best possible result for these towers has been done. I am not sure exactly what could be done with a 30-day delay. We have a goal to try to get this program introduced later on in the year. 30 days is a long time from the standpoint of a company like US Cellular that makes plans the way it does to get its job done. I would be happy to answer any questions that you have. We never want to not deal with our neighbors but we also need to be able to run our business based on some reasonable time frame. I am afraid

that 30 days would do nothing here but delay. I don't know that it would change a thing.

Tom Brechko: On the notification issue signs were put out at all the sites on July 19, actually a week earlier than normal. There were two signs that were put out at cell towers sites. One is the normal use on review and then there is a yellow sign that goes out identifying this is a telecommunications tower request. We put them out. Often we find that they disappear, they are moved or blown down. When we found out the other day that there was people questioning whether there was a sign was out there, Marc went out this morning to take a look. He could not find the signs on this property. He actually looking around after about 5 to 10 minutes found them about 150 feet back from the road in an island with some trees. How they got there we have no idea. The notification by postcards for normal use on reviews and rezonings we send out a postcard to property owners within 200 feet of the exterior boundary of the property that is being, that goes before the planning commission. For cell towers we send it out for 500 feet surrounding that property. In this case it is a small site so there may not be as many people notified as some of the larger cell tower sites that may be 50 acres. It is all the property in the exterior boundary that gets notification. That is in addition to the newspaper notification. Larry Perry who reviews all these cases looks at it in terms of the technical requirements and that there is justification for the proposed tower. He felt in this case that it is justifiable as far as the height. The tower facility plan that we also analyze for all these cases identifies urban expressway corridors as encouraging cell towers in those locations. Commercial corridors it encourages it and in our analysis the fact that it is in an expressway corridor it supports that. It is neutral on the position of the height of the tower as far as being in a commercial corridor. The plan supports the request at this location. The fact that there were no residents notified supports the fact that this is a commercial corridor and primarily commercial uses in the area. Some of the other sites that we have today are actually more in a residential area and the people around there that would get notice would be residents in that area. Staff supports the request. We look at it and found it is justified.

Longmire I notice one of the conditions is there is not going to be lighting because of the height of the pole.

Brechko: That is correct. Anytime there is a tower that is under 200 feet in height it does not require lighting on it and we always recommend that it no be lit.

Longmire: It is place I pass often. A site that until recently had a convenience store, gas station sort of thing. Would you

speak to the landscaping that will be involved because there has been a community beautification spot there for several years.

Brechko: The zoning ordinance requires, the only landscaping required for telecommunication towers is that the fenced compound that has all the equipment requires an evergreen landscaping around that except where the opening for the access is and they are proposing Leyland Cypress to be located in this area surrounding it. Basically you are not going to screen the tower, but you can screen the ground equipment that is within the fenced enclosure. All these towers have a 6 foot security fence topped with 3 strands of barbed wire. They are design to try to keep people from trying to climb in or get into the enclosures.

Bart Carey: Could the privacy screen be on the outside of the chain link barbed wire fence?

Brechko: The actual landscaping is on the outside of the fence.

Carey: I was sensitive to the garden spot they have there and if the Leland Cypress would at least be able to screen that industrial type fence that might be an advantage.

Brechko: This site has landscape screen around it. A couple of the other cases that we have because they are in wooded areas there is one that actually asked for a waiver of that requirement. You can address those on those cases.

Jack Sharp: Mr. Mathis would you come to the podium please. The way I understand it you are asking for a 30 day postponement in order to be able to communicate and talk to these people.

Mathis: That is correct. To find out the details of what they are wanting to do and how they want to do it.

Michael Kane: I think obviously in terms of this neighborhood it is very active neighborhood and has a lot of interest. I think we overall as a body appreciate that. I think in particular because of this concern with their community gardens and how does that interact with the cell tower that there is some need for discussion with the folks. For that reason and the fact that the sign, I am sure we obviously we put it up but it didn't go up and stay up, that those two really are enough justification to allow this postponement. I would like to make a motion to postpone for 30 days.

MOTION (KANE) AND SECOND (CLANCY) WERE MADE TO POSTPONE FOR 30 DAYS. MOTION CARRIED 11-1. (EWART). POSTPONED UNTIL SEPTEMBER 13, 2012.

Longmire: During that time I am sure the parties will get together and discuss what is necessary.

39. U. S. CELLULAR CORPORATION

8-H-12-UR

West end of Oaklett Dr., east of Haynes Sterchi Rd. Proposed use: 195' Monopole Telecommunications Tower in RP-1 (Planned Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for a 195' monopole telecommunications tower in the RP-1 zoning district and to allow the tower to be closer than 110% of the height of the tower from the adjoining property that is owned by the church, subject to 5 conditions.

Jean Greer, 1010 Pelleaux Road. I am here to ask for a 30 day postpone on the cell tower to be place on the Trinity Church property on the west side of Oaklett and east side of Haynes Sterchi Road. We are asking for this postponement as the neighborhood has not had enough information regarding this and most people in the community were not aware of this proposal by the church to place a cell tower in our neighborhood. The sign was posted at the west side of Oaklett which is a deadend street. When you come off Wassman or Pinecrest you would have to take a left and there are only 4 houses on the left that would see this sign to tell you that this was a proposed place for a cell phone tower. I was advised to drive Hayes Sterchi Road to see if there were any signs there. I drove from Cedar Lane to Dry Gap Pike and there were no signs facing in that direction that people going in that direction could see. I turned around and came up from Dry Gap to Cedar Lane. There were two signs there which were that I was familiar with because I had seen them on Oaklett and they were covered up by the growth of the grass and weeds and stuff and you could see this much. I recognized them as a sign because I had seen them. So therefore we started walking the community and asking people what they thought about the cell tower and they didn't even know what I was talking about. All that said we are here today because Sterchi Elementary School is the flagship in our community. Literally if you walked out of Sterchi's front door and looked straight ahead there is where the cell tower would be. We think this is aesthetically very unaesthetic for the people in our community to view when do walk off the Sterchi campus and also as you drive on that would be the first thing that you would see. This church has 30 acres and it has plenty of room for a cell phone tower. We are here today to ask for 30 day postponement. We are not opposed to the cell phone tower, but we would like for it to be located some place else on their property to where it

would not be so visible in our community when people do come to the elementary school there.

Tom Hale on behalf of US Cellular. I am not sure if I am addressing whether we have an extension so I am not sure what I need to do or if we have opposition to the tower. I think I understood Ms. Greer to say that they were not opposed to the tower, they just do not like the location. I am confident that representatives from US Cellular are here technical people that can speak to it. I am confident the reason this area was selected was because it was in a place where there would not be as much encountered with residential property but it would be at the where the best coverage could be obtained. I don't know Mr. Burton if you would like to address this particular technical point. For those reasons I stated earlier we would be opposed to a postponement, but I won't repeat that.

Chuck Burton, 432 Rustfield Drive in Farragut representing US Cellular. The tower itself is located on literally the highest point. Everything from where that cell tower is located is simply down hill. There is no where for us to go. The only visible location, we did photo simulations all the way around it, where the tower is visible is from the Haynes Sterchi School. It is behind the school and not at its front door. That is the only one. We are very cognizant of visibility with the neighborhood. It is a huge tract of land but there is no higher ground. There is no anything, from where we are now any other location would simply be downhill. Literally.

Michael Kane: One of the questions that came to my mind during this evaluation and one that I should have asked a long time ago, the recommendation for 110% of height in terms of the distance to a nearest neighbor. Is that because of the safety concern from a physical structure falling down? I assume it is not the radiation because obviously that would change because of equipment.

Tom Brechko: A few years when we added the postcard notification, added the additional color and the signage, there had been questions raised about adequate notice and height of the tower and everything. My understanding the 110% isn't a safety because most of these it is my understanding they are designed to collapse more on themselves. It is just an extra degree of comfort or safety for people to feel that they are further from the property line than the height of the tower. The City ordinance actually that setback distance is from adjoining property line that is zoned residential. In the County it is 110% of the height from an adjoining residence. So there is a difference from the city and county requirement on how that 110% is measured. My understanding it was more just to add a little comfort knowing that the tower as

leased if you are near kind of residential area you are further from the tower than the height of the tower.

Kane: That is based upon the residents and not in this case the school itself or the playground?

Brechko: It is based on the way the ordinance was written it is from a residence or property that is zoned residential. In this case the line only property line that is within that distance is the line the separates the church property and this property that the tower is on that is also owned by the church. I allows a waiver of that 110 if the property owner or owner of that residence is okay with it they can say it is fine and the planning commission can waive that. In that case it has to meet the minimum setback requirements of the zoning district.

Kane: In the comments staff has that the proposed tower would be over 220 feet from the Sterchi Elementary property. So that is the property line not the building.

Brechko: If you look at the map up there where you see the tower site marked on there just south of that tower you see a line that goes down and divides the R-1 designation. That line is the property to the west is a residential property on the east side is the school property. So that is the distance just to the property.

Kane: So it is 220 feet to the property line of the school. That corner.

Brechko: That corner. I believe the distance to the school I measured was about 800 feet.

Kane: To some degree I have the same concerns that again there is something going into a neighborhood and the community in this case has some interest in understanding what the issues are. The client applicant said they wanted to be a good neighbor. I think this is a way for them to extend that offer to the neighborhood. I would like to make a motion to postpone for 30 days.

MOTION (KANE) AND SECOND (CLANCY) WERE MADE TO POSTPONE 30 DAYS.

Roth: I have a technical question. In one of the recommendations it says that the pole would be redesigned or designed to use closed mount antenna arrays. What would be the alternative to that?

Burton. That actually is your closes mount. You are probably thinking of monopole of the large platforms up on top. That is not what we do. We use a close mount which is about 2 feet

off of the tower with the antennas on it rather than the huge gigantic platforms.

Roth: That part of the staff recommendation is not a problem to you is it?

Burton: No absolutely not. We are doing it on all of our monopole towers in the County.

Brechko: If I can add the reason we put that condition on two of the monopole the drawing that was enclosed with that that shows the tower shows that wider spread on the triangle cage there. The one on Andersonville Pike and Emory Road actually shows a close mount design where they area almost up against the structure. I believe there is even an internal mount used at sometimes, but it limits the number of arrays that you can have on it.

Burton: That is as close as we can get with these antennas to the tower to keep the profile down which was the objective. I might just add that we try to follow the rules. We do follow the rules. The network that is trying to be deployed is a huge investment by US Cellular in this community to service this community. I am not sure that any delays will change anything that is already there since we have followed the rules. That is all that we try to do. We would ask you to consider that.

Clancy I am a big proponent. If you have got a cell phone you shouldn't oppose cell phone towers because everybody carries one. We have got to have the towers if we want to have the convenience of the phones. I think the message that we are kind of trying to send here is not that you don't follow the rules. It is obvious that you all do your homework, due diligence, excellent preparation. Even though you are not putting it in the middle of a neighborhood I think it would be a good idea to talk to any surrounding neighborhood organizations that you can and address their concerns. Even if they don't see the signs, go to them. Seek them out. Try to avoid the postponements that are going on right now. I think that is kind of the message the Commissioner Kane is trying to send. It is not that you are doing anything wrong. It is there is not enough understanding with the neighbors around it. I think if you did just a little bit more work and addressed their concerns. Then when they say we don't want to see it from the back of Sterchi School and you say other options are here, here and here and this is the best option we can come up with for everybody, maybe they could see yourall's side of it without coming here and saying we think there might be a better place for it. I think if you address those issues outside of this forum with neighbors, even though you are 200 feet away and you are not required to do that, I think it would be

prudent and a good practice for US Cellular to reach out to the neighborhood and explain to them and help them to understand why the siting of the tower there, what it is good to look like and I think that would help out a lot when you get here.

STAN JOHNSON SECOND THE MOTION.

Bart Carey: I agree with most everything that has been said. I think maybe something we need to look at. That is we have got a trend going on that maybe that we need to change. US Cellular is doing everything they are supposed to do. They are doing their homework; they are getting it out there. Maybe we need to review in the case of towers as more and more of these things are going to be coming up because we are demanding them to come up and we need them is that maybe we expand what we do to notify people maybe in terms of a larger radius, signage that is more visible, maybe more complete signage on the roads that are not necessarily required by our present policy. That is something we have to take up separately. I hope we can do that too.

Longmire: I think we have always had a slight problem with signage where it being removed, not necessarily by the applicant but by others in the neighborhood, by grass growing really, really fast this year, by whatever reason. I don't really know an answer. Rules are wonderful. If somebody told me there was going to be a tower near me I would really like to know: yes there is going to be a 6 foot secured fence; yes there is going to be Leyland Cypress, kudzu, I really don't care, something that would hide the fencing. I may want to ask you is this going to draw lighting and are going to say that is a silly question. But if it is a question I have it would be nice to have a human being that I could talk to. You are doing wonderful job. It wouldn't hurt to be a little bit more human about it.

Kane: I apologize that this kind of moves the discussion away from where we have been, but there is a technical thing I wanted to make sure I understood. In the report from our consultant it talks about the tower would support 4 additional telecommunication antennas for a total of 5 users. In our staff recommendation in the conditions we talk about there be a closed mount antenna array. I thought I heard Mr. Brechko to say that closed mount have more limited amount of antenna arrays that they can support. I was wondering if there was a reduction. One of the things I am very concerned about is I think a lot of people like the closed mount antenna arrays but then again if they promote more cell towers because they support less antenna arrays then we are trying to balance one thing versus another and that is what I want to make sure that people understand.

Burton: The objective was to get away from the platform mount, these huge mounts that were not very attractive. The closed mount antenna system can support all the antennas that would be up on mount. For each (inaudible) they can put at least two antennas per sector. It really does not impede any other carriers or us for the amount of antennas that use at that center at that location. The idea is to try to find another solution and an easy one to the big platform mount. That is what we think we have done.

Brechko: My comment is in reference to the internal mounted antenna. The actually insides of the antenna because of your cables and everything that has to go up that that is where the limitation is.

George Ewart: I would like to discuss a couple of comments that have been going back and forth between Commission. I think our consultant Mr. Perry came here about 2 years ago and said that if you drew a grid on the United States of America in squares and they were one square mile and you would put an antenna at every intersection of the square across the United States of America, that probably won't be enough cell tower for what we are doing. They have come here United States Cellular and tried to investigate areas that are intrusive to neighborhoods; that are not in neighbors like the previous one that we postponed was in a commercial district. It sits back from their landscaped area. It is on the back side of that lot. We are going to have to deal with having these cell towers put up in our region. I just have a hard time when somebody comes in a does their due diligence and spends a whole bunch of money going about and meeting all of our guidelines and everything that we continue just to delay something. We are going to have to have it. It is going to be there one way or another. I don 't know if it is going to be right behind Sterchi School, it might move over 10 feet or whatever it is or 5 feet over or 20 feet over in the Alice Bell Community. If people don't want to talk on cell, if people don't want cell towers they need to quite talking on cell phones and get data on cell phones. We are just kind of delaying this whole situation. I just don't know what else is going to come out of this thing. I hope everybody is happy when we get finished. I just don't, I think we are delaying this thing just to delay it. That's it. That is just my two cents.

Jeff Roth I agree with what George just had to say. I did vote to postpone the other one because of the proximity of the tower to some of the surrounding properties and people that I had heard from earlier in the day. In this particular situation I was looking at the map and I was looking at the scale. If the scale is correct this pole is 500 feet from any structure or anything like that that I can see on this map. I agree with

George. I think there comes a time when we have to step up and make a decision. I don't think postponing this one is the way to go.

Stan Johnson I guess what I am feeling is the aspect of there is this big company and these little bitty neighbors. The company knows exactly what to do to push our buttons to make sure that they get what they want. That makes sense because we made all these rules and we should follow by those rules. I am not saying that. The problem is how do the neighbors have any power? If we don't back what the neighbors are talking about and we tell these companies to follow these rules, don't ever talk to anybody, don't ever do anything different. This is the way to get what you want done. How does the people that it is impacting the most ever get a voice? So I would just tell you guys please give these people a chance. Have an opportunity to talk with them. Might not nothing come out of it. Yes we are delaying something that is going to happen. I get that. The whole point is we have human beings we are dealing with here. At some level we still have responsibility to our community to inform them of everything that we are supposed to be doing here. So please help them.

Wes Stowers: I just want to add to that. If something happened in my backyard that I wasn't aware of for whatever reason I would have concerns. At the same time there are regulations that are in place that are codified. At the end of the day I would caution the neighbors you may not like it any better in a month than you do right now. I think you have a right to have your questions answered. My personal opinion is at some point in time we are going to have to draw a line and say these are the rules and they are in full compliance.

Charles Henry, 1209 Pelleaux Road, a couple of blocks from the location of the tower. I have a question for the two gentlemen as to whether or not either one of them have been to that site where the tower is going up. The tower is absolutely... This tower for what it is worth is absolutely in the front entrance to the school but they keep referring to it as being behind the school. You go into the parking lot right by where that cell tower will be. I just wanted to clear up a point. It is in the front of the school.

John Locascio, 12628 Cumberland Road, Knoxville, TN. Project manger for US Cellular. I would like to say that we have done extensive studies. We have done extensive photograph analysis of the site. We have met with the church and the congregation and some of the neighborhoods on many occasions to discuss the undertaking that we are about to undertake. As far as the view shed of the school is a buffer of a heavily wooded area and those trees are probably 80, I

would say 70 to 80, feet from where the tower is. The tower is at the utmost portion of the campus of the church. It is as far as the view shed the tower can hardly be seen from any of the surrounding areas of the church. As a matter of fact the towers of Sharps Ridge are more visible than this tower would be in this area. It is on a large campus. Again we are not a tower company, we are a phone company and we are trying to provide our customers with the best possible coverage to meet the capacity demand of the new technology.

Steve Ridenour, 2209 Houser Road. I am here today just to speak about the towers and how they somewhat affect our properties. I sort of got a late notice but I got three notices of three of the four towers that were adjacent to properties that we manage and own. I guess one of the things that concerns me is looking at these tower is very similar to looking at a fan motor. They are not very attractive aesthetically. Sometimes when you put them in a commercial neighborhood that has shopping centers, office buildings, dentists and doctors, I have to wonder why they are having to encroach so close to our right of ways. I went out to look at one yesterday and we have got a building we rent to Tennova Healthcare you know they are new in Knoxville and a huge tower proposed 150 foot tall was within 100 foot of the front door. We have owned that property a long time. The neighborhood is underground with no utility poles and all of the sudden you get a notice that there is a 150 foot tower. That is equivalent to a 15 floor building. Then I started watching. I went to site number two and I can look from there and see another tower. You are right Mr. Ewart, they are close. They are getting closer to the thorough ways. That is what bothers me. We have been used to them in the ridges elevated. That is a great place to put them and Sharps Ridge probably has a 100. Now they are getting close to the front doors of our personal property. It doesn't seem right. When you look at a neighborhood that is totally commercial and shopping centers and office buildings. We have got dentists right across from this tower. We have got doctors, insurance companies, it does concern me how we are looking at this because it doesn't sound like from the comments I am hearing it's going to be long. It is going to be like taking the back off the TV and driving through it because you are going to see these towers everywhere.

Longmire: This is something we have dealt with the whole time. We are blessed to live in the country we live in. But it is an up and down country and making sure that everybody and as I understand it according to government everybody has to have access to 4G before too long. It is a rock and a hard place. There is a motion on the floor and that motion is to postpone for 30 days and we do have a second. Commissioners is there anything else you wish to say? I would like to thank you for such a civilized discourse and such good

points I agree with everybody unfortunately. All in favor of the motion to postpone 30 days say I. Oppose like sign.

Upon roll call the Commission voted as follows:

- Carey No
- Clancy Yes
- Cole Yes
- Ewart No
- Johnson Yes
- Kane Yes
- Lobetti Yes
- Pierce No
- Roth No
- Sharp Yes
- Stowers No
- Longmire Yes

MOTION CARRIED 7-5. POSTPONED FOR 30 DAYS.

40. U. S. CELLULAR CORPORATION

8-I-12-UR

West side of Façade Ln., south of E. Copeland Dr. Proposed use: 250' Lattice Telecommunications Tower in A (Agricultural) District. Commission District 7.

STAFF RECOMMENDATION: Approve the request for a 250' lattice telecommunications tower in the A zoning district and a waiver of the landscaping requirements around the tower enclosure, subject to 6 conditions.

Kenneth Willis, 261 Gardner Road, Powell, TN. I also own Parcel 227 know as zero Façade Lane. I am one of three property owners adjacent to this property. It is at the deadend of Façade Lane directly across from St Mary's hospital. There is residential all around this property. For many years, I have only lived there 30 years, there has been all types of development that tried to come down and build in this 8 acres that has been for sale over the years. There is nothing wrong with the church, but when you have a 250 foot tower within probably 50 feet of undeveloped property and there is only 70 acres left in this area right here. The rest of it has been developed. You have Foxworth Subdivision and you have other things like that. There is just no reason to have a 250 foot tower that close to the interstate. When you drive out the last thing you see in Knox County is a 250 foot tower. Where are the stewards of the ridges? Are we going to get a blue water tank next because that can happen over there. Water is needed in the adjoining subdivisions. There is thousands of home in there and there is water shortages already. There is better places to put it. It is also going to devalue my property. Maybe there is a way we can get our property taxes lowered because of this. There is only three of us that own adjoining property. I am diagonal on the corner.

Longmire: Mr. Willis do you have another personal that wishes to speak. Would you like me to share the time.

Willis: Nope. That is it. I am just about done. There is only two other people. the Archie Campbell estate and the Henry Hood estate. The Henry Hood estate we all know what happened across the interstate to his property. Maybe it is coming across the interstate to us. If that is what we are going to allow let's just change the future of it then.

Steve Ridenour, 2209 Houser Road. The strip on the other side of the interstate is owned by us. There is over 2000 linear feet of instate frontage. We have had so many discussions throughout the years on signage and billboards and the anti-attitude towards those. I took the position when I purchased that property to deny probably 5 billboard companies putting billboards on that property in honor of what they did at Turkey Creek. They took billboards down there when the city allowed them to develop that. I am getting really confused when I see these tower cells on the interstate thinking 25 foot is too big for a sign, but 250 foot is just fine for a cellular tower. I think that as planners and as a community we do need to stand up for the city; we do need to stand up for the people that say no to billboards and do what they are supposed to do with their properties. Again I think it is just the proximity to the right of way. I thin that they just keep moving these off the ridges right onto the right of ways. They are just not aesthetically pleasing. What good does it do across the street to deny billboards when you have got 250, what is a billboard 50 foot tall. They are a work of art compared to a cell tower. A billboard is a work of art. It is a design that you should be proud of. Thank you.

Tom Hale on behalf of US Cellular. A couple of the Commissioner have mentioned previously that if we don't want cell towers we need to quite using our smart phones and our cell phones. I think there is a lot of truth to that. This is a consumer driven business. The reason the towers get located next to the interstate corridors is generally that is where people want them. A lot of travelers use their phones while they are on the instate. They are usually more commercial type areas. So that is one of the reasons they get put there. I think one thing that I would just point out that probably some of our citizens don't know is that the United States Congress has passed a law, The Telecommunications Act of 1996, which is a law that tries to balance the needs of a fully developed cell phone system with the needs of local communities to regulate those things. They have a requirement there that there must be substantial evidence in the record that is agreed upon by this body before there can be a denial of a cell phone tower. The reasons have to be rational reasons under the law. Generally US Cellular never gets to that point because we do

sit down with people. Anybody that contact us we go meet with them and we deal with them. I can say that. I am just the lawyer but I am usually there or involved. We can't read people's minds and we cannot figure out who they are unless somehow or another we are alerted to that fact. I have not gotten a call from anyone in the last two or three days about this other than Mr. Brechko. People would call him and he would call me. I have called the one person that called, Mr. Ronnie Collins. We have had two or three conversations about it. I guess my concern is we seem to have a trend here of the big company that is trying to be responsible can't do it all itself. It is a two-way street. There's a lot of people in the community. A couple of people that spoke against this particular one don't live anywhere in the vicinity of it. I don't know how we can satisfy some of what you may think is a reasonable thing for us to do. All I can say is when we get word of it we do everything we can to try to address those issues. We will do that between now and the next time on these other two that have been postponed.

Longmire: Mr. Burton I have a question for you or Mr. Hale. When do you decide that something is going to be a 190 foot monopole or 250 foot lattice tower?

Burton: Not me. This is up to electrical radio engineers to determine how these signals and purpose for which the signals are designed will function with the topography around it to service and connect up with other cell towers. This particular project of which these four towers are part is a spectrum relief project. Not just a capacity type. In other words you get better service but that is the after effect of creating spectrum which is the backbone for the LTE 4G system. So consequently we have to rely almost exclusively on what these engineers tell us because we try to achieve that goal otherwise the network itself is not a network. I am not the technician.

Longmire: That was a nice answer probably better than a real engineer would have.

Clancy: Can somebody tell me why we are waiving a landscape requirement on this?

Brechko: The idea of the landscape requirement is to screen the enclosure from view. The location of this is back in the middle of the woods and is not visible from roadway or adjoining property. It doesn't sense to put a landscape screen around something that is already in a heavily wooded area. The next one is a different situation, but they also have a waiver requested on that one.

Bart Carey: In terms of how tall this tower is I see something in the consultants report that is a little bit on the plus side that 4 additional carriers can get antenna on this tower. That might justify part of the type. A 150 foot might serve their needs there but going to 250 allows us to eliminate 3 or 4 other towers down the road by their co-use. I think that is a very important aspect of this whole thing is if one tower is bad then what about 4. This might help consolidate some of the use there. I feel for those people who are opposed to it, yet there is a plus there.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

41. U. S. CELLULAR CORPORATION -Revised

8-J-12-UR

Northeast side of Andersonville Pike., south side of E. Emory Rd., northwest side of Maynardville Pike. Proposed use: 170' Monopole Telecommunications Tower in A (Agricultural) District. Commission District 7.

STAFF RECOMMENDATION: Approve the request for a 170' monopole telecommunications tower in the A zoning district and a waiver of the landscaping requirements around the tower enclosure, subject to 5 conditions.

Tom Brechko: My error. I just realized when putting information on here I accidentally changed the zoning. It is Ag.

Longmire: So the current zoning is A.

Steve Ridenour: Again I grew up in this neighborhood. The close proximately to the right of way bothers me. There are two churches and medical offices in clear view of this tower. We have a shopping center on the other side of the church. When it gets to property values I agree with some of the other opposition. We all buy property. We assume things will be stable in certain ways. Utilities to the extent of something 195 foot tall... most buildings the average home may be 50 foot long. We are talking about 3 times the height of an average home or maybe 4. It bothers me all the nice neighborhoods, the investments the medical community has made beyond that and for this tower to be that close proximately to the right of way of Andersonville Pike. I didn't get mail from this office, any of my notices until the 23rd of July. When I went by some of these sites there wasn't even signage up notifying that there was a rezoning. I came because of the notices. But I have had other property owners that have called me in concern. Thank you for your time.

Longmire: You are very welcome. I am glad you got your notifications. I got some calls because of signage so I know at least for a while there were signs up.

Tom Hale on behalf of US Cellular. I will not belabor this point, but I will make one observation. This is an example of the original proposal was 195 feet. Mr. Perry recommended we consider lowering the tower. We reassigned it to the engineers and they reduced the size down to 170 feet. I would be happy to answer any questions I am able to answer, but I think you have probably endured enough of this for one afternoon.

Larry Perry your consultant on this matter. I am here listing to the discussion this afternoon. I sent you a little memo prior to the meeting today. Let me explain something real quick for you. I am not trying to, I don't have any dogs in this race. There are several, FCC has licensed 17 different carriers to come into the area. We have got here 7 now. This is one of the 7 applicants. What we have tried to do and years gone by when the staff and I got together to develop the rules, we didn't want to see a porcupined city. That is what we are trying to find a stop to. At Watt Road that was in before we got into the rules in the County. What we are trying to do now is stop proliferation of the big tall towers when 1G, when the first voice came out a long time ago we had to have a tall tower because they weren't covering very many people. Now we have come to 4G the current technology where it has your smart phones your pda's all the information. What has happened is instead of having this kind of a coverage area we have got this much coverage area. In order to be able to meet their federal requirements to be able to make this coverage they are having to go to additional towers. You haven't seen anything yet. Just wait until the other six carriers start making applications for additional towers in this area. That is why we are requiring them to put as many on that one particular stick if we can so we can put as many on the one tower without having whole proliferation of towers right side by side. We have got a few of those in the County, but we have pretty well put a stop to it for the most part. So in your consideration so that you will have an idea of why they are having to go in is because the coverage has shrunk down because the number of people that are using. When they first came out there were very few people using cell phones and now everybody and their brother has got one. Each cell tower facility can only accommodate so many conversations at the same time. Now with data you are seeing the data packages with your cell phones, smart phones, your apps that goes a lot faster. On the other hand the coverage is coming that is why they are going to be requiring a lot more coverage area and a lot more antennas around. Hopefully one day in the future maybe 10 years out we will be able to put these thing on telephone polls at various corners so that you won't see them. The way that

the rules are written here in the County and also Knoxville City and Blountville and Blount County and others is that once the towers are not used or these facilities are is not used, they have got to remove them. That is what we are trying to do now. So you will know where we are headed on this and that is the whole purpose of this is to try to eliminate the number of towers and keep them as low as we can and still meet our goals of helping as many of these carriers as we can meet their federal obligations.

Longmire: Thank you very much Mr. Perry. That does help. Mr. Brechko could you speak to the landscaping and whatever else you would like to speak to.

Brechko: For this specific case this is one of the smallest enclosure areas for the ground equipment that we have ever had on a site. It is 20 by 40. Most of them are close to 100 by 100 lease area. A lot larger area for multiple uses. In this case they are only doing three collations on the tower. In working with the church and trying to find a location on the property they are basically using 4 parking spaces. Because of the detention in one area the drive by for the parking it limits putting any kind of landscaping at the location they are proposing. So what they are put as part of their application is that area attaching a wood screen screening for the outside of the metal fencing that surround this. They are asking that be approved in lieu of having landscaping because of the smaller area. We are recommending approval. The other thing just to mention that most people probably aren't aware of it that we had probably dozens of calls for carrier companies over the past few months about upgrades. What you are not seeing is all the carriers that are applying to Inspections in the City and County to upgrade antennas and ground equipment on most all the tower sites that are out there so that they can meet the demand under the 4G requirement. There is a lot of upgrade that is being done so they do not have to build new towers to meet all this demand. I believe with some of the application stuff we have here they are shifting and upgrading some of the requirements on their other towers to kind of work with the ones that are proposed in the application.

MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

Other Business:

- * 42. **Consideration of two year extension until September 2014 of the concept plan for Roefield - 8-SB-10-C. Commission District 5.**

8-A-12-OB

STAFF RECOMMENDATION: Approve two-year extension to September 2014.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:09 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

NOTE: Please see individual staff reports for conditions of approval and the staff recommendation.